

REMARKS

Status of the Claims

Claims 1-49 and 55-56 were previously cancelled. Claims 66, 69, 75, 90, and 92 have been withdrawn as been drawn to a non-elected invention. Claims 50-54, 57-65, 67, 68, 70-74, 76-89, 91 and 93-96 are pending and have been rejected. Claims 50-54, 57-65, 67, 68, 70-74, 76-89, 91 and 93-96 have been cancelled. New claims 97-116 have been added. Claims 97-116 are currently pending. Applicant respectfully requests reexamination and reconsideration of the above-identified application in view of the following amendments and remarks. No new matter has been added by way of amendment.

Rejection of Claims Under 35 U.S.C. §103(a) Should be Withdrawn:

Claims 50-54, 59-65, 67-68, 70-74, 76, 79-84, 86-89, 91, and 93-96 were rejected under 35 U.S.C. §103(a), as being unpatentable over Steinman (USP 5,849,497) and Orum et al. (Nucleic Acids Research, vol. 21, no. 23, pages 5332-6, 1993), in view of Lancaster et al. (USP 5,863,717) and further in view of Bauer et al. (USP 5,639,871). Claims 50-54, 59-65, 67-68, 70-74, 76, 79-84, 86-89, 91, and 93-96 have been cancelled, thus rendering the rejection moot.

Claims 58, 78, and 85 were rejected under 35 U.S.C. §103(a), as being unpatentable over Steinman (USP 5,849,497) and Orum et al. (Nucleic Acids Research, vol. 21, no. 23, pages 5332-6, 1993), in view of Lancaster et al. (USP 5,863,717) and further in view of Bauer et al. (USP 5,639,871) and Stefano et al. (USP 6,287,772). Claims 58, 78, and 85 have been cancelled, thus rendering the rejection moot.

Accordingly, for all of the reasons stated above, the rejections under 35 U.S.C. § 103(a), should be withdrawn.

Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Applicant asserts that a terminal disclaimer may be filed at the time the claims are indicated to be allowable. Applicants appreciate the examiner holding this issue in abeyance until such a time that there is allowable subject matter.

New Claims

Applicant has added new claims 97-116. Applicant would like to point out that the SEQ. ID. Nos. 9, 10, 12, 13, 17-19, and 21 of claims 97-116 are the subject of co-owned issue patent 6,936,443.

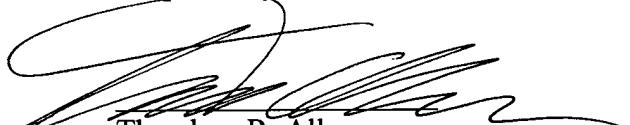
CONCLUSION

In light of the arguments presented above, Applicant respectfully submits that the claims are in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 502855, referencing Attorney Docket No. 11.018013.

Customer No. 0000 38732

Respectfully submitted,



Theodore R. Allen
Registration No. 41,578
Cytac Corporation
250 Campus Drive,
Marlborough, MA 01752
Tel: 508-263-8490